

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

| | | |
|----------------------------|---|----------------------|
| NEPHTALI DELEON | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | No. 5:24-CV-00849-XR |
| | § | |
| CITY OF SAN ANTONIO, TEXAS | § | |
| and KRYSTAL JONES | § | |
| Defendants. | § | |

NOTICE OF POTENTIAL SCHEDULING CONFLICT, AND CORRECTIONS

TO THE HONORABLE XAVIER RODRIGUEZ:

COMES NOW counsel for Defendants City of San Antonio and Krystal Jones and makes this notice regarding the potential conflict with the December 5, 2024, status conference in this matter, and of corrections to **Dkt.14**.

This Court set a scheduling conference in this cause for December 5, 2024. **Dkt.17**. Counsel for Defendants is scheduled for oral argument in *Ometu v. City of San Antonio*, no. 24-50152 in the Fifth Circuit Court of Appeals sometime in the week of December 2, 2024. See attached. The Fifth Circuit may schedule the argument in conflict with the status conference, and it describes in the most restrictive terms conflicts that merit rescheduling argument.

Unrelatedly, there are two typographical errors in Defendants' Motion for Partial Dismissal [**Dkt.14**] that are obvious given surrounding context but may be confusing. Defendants would ask the Court and Plaintiff to substitute *De Leon* for *Jones* in the second line of ¶40 and to insert the word *but* between *public* and *the* at the beginning of the tenth line of text on page 18.

Respectfully Submitted,



SHAWN FITZPATRICK
FITZPATRICK & KOSANOVICH, P.C.
P.O. Box 831121
San Antonio, Texas 78283
(210) 408-6793
skf@fitzkoslaw.com
State Bar No. 00787474
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify service of this instrument upon the following person(s) using the mandatory electronic filing and service system used by this Court on this the 10th day of October, 2024:

Margaret A. Little
Casey Norman
Jenin Younes
Margaret A. Little



SHAWN FITZPATRICK

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

October 03, 2024

IMPORTANT NOTICE

TO ALL COUNSEL LISTED BELOW

No. 24-50152 Ometu v. City of San Antonio

Projected Week of Hearing 12/02/2024

Dear Counsel:

We have tentatively scheduled this case for oral argument during the week shown.

If you have a serious, irresolvable conflict, contact us **IMMEDIATELY** via e-mail (clerk_calendaring@ca5.uscourts.gov), stating your conflict or request. Do not ask to reschedule argument unless you can find no other solution. **GENERALLY, ENGAGEMENT OF COUNSEL IN ANOTHER COURT IS NOT AN "IRRESOLVABLE CONFLICT."**

So we can provide all pertinent information to the court before argument, and barring an emergency, we must receive all additional filings by noon on the workday immediately preceding argument.

If you are arguing before the Fifth Circuit for the first time, please visit our Internet site at "<http://www.ca5.uscourts.gov/docs/default-source/forms-and-documents---clerks-office/oral-argument-notices/handout.pdf>" for "Preparing for Oral Argument in the Fifth Circuit" and at "<http://www.ca5.uscourts.gov/documents/ltsig-e.pdf>" for "Notice to Counsel Attending Oral Argument". If you do not have Internet access, please call and we will send you the information.

Counsel are advised it is almost invariably more helpful, in lieu of large exhibits, to furnish the courtroom deputy four smaller sized (not larger than about 8 X 14 inches) copies of charts, diagrams, etc., for the judges' use. If counsel believe it necessary to use large exhibits, please also furnish the small copies.

CALENDARING DEPARTMENT
clerk_calendaring@ca5.uscourts.gov

Mr. Shawn Kevin Fitzpatrick
Mrs. Elizabeth Guerrero-Southard
Ms. Artessia K. House
Ms. Jacqueline Marie Stroh